

SENATE RECORD VOTE ANALYSIS

106th Congress
2nd Session

Vote No. 91

May 4, 2000, 5:02 p.m.
Page S-3495 Temp. Record

ESEA REAUTHORIZATION/Replace Teacher Merit Pay with School Merit Pay

SUBJECT: Educational Opportunities Act . . . S. 2. Kennedy/Murray amendment No. 3118 to the Abraham amendment No. 3117.

ACTION: AMENDMENT REJECTED, 43-54

SYNOPSIS: As reported, S. 2, the Educational Opportunities Act, will improve and reauthorize for 5 years the programs covered under the Elementary and Secondary Education Act (ESEA). Total authorizations will climb from the \$13.348 billion authorized in FY2000 (the current year), to \$27.659 billion in FY2006. Key initiatives include the following: the Straight A's Demonstration Program (which will exempt up to 15 States from nearly all regulations for the funding they receive for up to 12 Federal education programs; in return, those States will be held accountable for increasing student achievement); the Performance Partnerships Initiative (which will be similar to the Straight A's program, except that less autonomy will be given and all of the States will be eligible to participate); the Rural Flexibility Act (which will allow rural school districts to combine certain formula grant funds for the purposes of improving student achievement and the quality of instruction); the Child-Centered Program (which will allow up to 10 States and an additional 20 school districts to change the Title I program for disadvantaged children from a school-based program to a child-based program that will involve parents in their children's educations); a public school choice option for poor children; and the Teacher Empowerment Act (which will combine the Eisenhower Professional Development Program and the new teacher hiring program in a new program that will give States and school districts broad discretion in deciding how to use their funding to increase the number of high-quality teachers they employ).

The Abraham amendment would amend the Teacher Empowerment Act (TEA) to permit State and local education agencies to use the Federal TEA funds that they receive: to reform teacher tenure systems; to establish teacher compensation systems based on merit and proven performance; and to test teachers periodically in the academic subjects they teach. (The TEA will be created by this bill. The TEA will combine the existing Eisenhower Professional Development Program and the recently created teacher hiring program in a new program that will assist State and local governments in increasing the number of high-quality teachers they employ. State and local educators will be given great flexibility in determining how they will achieve that goal. They will be allowed to use TEA funds for numerous listed purposes, including the following: reforming teacher certification and licensing processes to ensure that

(See other side)

YEAS (43)			NAYS (54)			NOT VOTING (3)	
Republicans (1 or 2%)	Democrats (42 or 98%)		Republicans (53 or 98%)	Democrats (1 or 2%)		Republicans (1)	Democrats (2)
Chafee	Akaka	Kennedy	Abraham	Hutchinson	Byrd	Roth ²	Kohl ² Breaux ^{2AY}
	Baucus	Kerrey	Allard	Hutchison			
	Bayh	Kerry	Ashcroft	Inhofe			
	Biden	Landrieu	Bennett	Jeffords			
	Bingaman	Lautenberg	Bond	Kyl			
	Boxer	Leahy	Brownback	Lott			
	Bryan	Levin	Bunning	Lugar			
	Cleland	Lieberman	Burns	Mack			
	Conrad	Lincoln	Campbell	McCain			
	Daschle	Mikulski	Cochran	McConnell			
	Dodd	Moynihan	Collins	Murkowski			
	Dorgan	Murray	Coverdell	Nickles			
	Durbin	Reed	Craig	Roberts			
	Edwards	Reid	Crapo	Santorum			
	Feingold	Robb	DeWine	Sessions			
	Feinstein	Rockefeller	Domenici	Shelby			
	Graham	Sarbanes	Enzi	Smith, Bob			
	Harkin	Schumer	Fitzgerald	Smith, Gordon			
	Hollings	Torricelli	Frist	Snowe			
	Inouye	Wellstone	Gorton	Specter			
	Johnson	Wyden	Gramm	Stevens			
			Grams	Thomas			
			Grassley	Thompson			
			Gregg	Thurmond			
			Hagel	Voinovich			
			Hatch	Warner			
			Helms				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

teachers have necessary skills and academic content knowledge; enacting mentoring programs for new teachers; establishing alternative certification processes, including for mid-career professionals interested in beginning teaching careers; developing and implementing effective mechanisms for recruiting and retaining qualified teachers and principals; developing effective measures of the effectiveness of professional development programs; and developing systems to evaluate the impact of teachers on student achievement. The bill will authorize \$2 billion annually for this new program. Instead of providing rigid mandates on how State and local educational agencies increase the number of high-quality teachers, this program will provide funding for the above broad purposes and will then hold those agencies accountable for achieving results. Teacher development programs will have to be shown to increase teacher knowledge, to increase student achievement, and to be directly related to the curriculum and subject areas in which the teachers provide instruction. Also, States will have to establish performance measures to determine the progress of local school districts in closing the achievement gap.)

The Kennedy amendment would strike the Abraham amendment provisions and would add that TEA funds could be used: to implement programs that reward all teachers in schools that improve student achievement for all students; providing incentives and subsidies for teachers to gain advanced degrees in the subjects they teach; to implement rigorous peer review, evaluation, and recertification programs for teachers; and to provide incentives for highly qualified teachers to teach in the neediest schools.

Those favoring the amendment contended:

Merit-based pay systems have not worked well in practice. There are several problems with such systems. First, they pit teacher against teacher. Teaching should be a collaborative process, but if teachers realize that the principal is watching them to determine who is better they quickly begin to compete. Teachers quit helping each other, and the overall quality of instruction declines. Another problem is that it results in teachers emphasizing those parts of teaching on which they know they will be rated. A related problem is that teachers end up trying to make rapid advancements with those students who are easiest to teach in order to raise the overall test scores as rapidly as possible. A fourth problem is that teachers will not spend as much time on developing students' abilities in areas that are not measured by merit-pay tests, such as the ability to cooperate with each other. In contrast to the failure of merit-based pay systems for teachers, merit systems for entire schools have worked well. When teachers know that if they raise the academic achievement of the entire student body they will get a pay raise, they work together as a team and succeed. Therefore, we have proposed the Kennedy amendment, to replace the Abraham amendment provisions that would allow individual merit pay with provisions that would allow school merit pay. We urge our colleagues to support this alternative amendment.

Those opposing the amendment contended:

States and school systems have been experimenting with various forms of merit pay for several decades. Many systems have been successful; some have not. Denver, Colorado, currently has a merit pay system; Los Angeles, California, currently provides merit pay to teachers who are certified by the National Board for Professional Teaching Standards; the entire State of Florida gives merit pay to teachers who obtain such certification. State and local educational agencies have adopted various standards by which to measure teacher performance; some districts have given merit pay based on individual performance, some have given it based on group performance, and some have used combinations of group and individual merit measures. We strongly favor the idea that teachers who are more effective in teaching children deserve to be paid more than teachers who, for whatever reason or reasons, are less effective, but we do not think that we ought to force any State or school district to adopt any merit-based pay system. If a State or school district wants to use TEA funds, which are being given to help districts pursue strategies to make their teachers more effective, to reward good teachers, then it should be permitted to do so.

Our Democratic colleagues, though, want to prohibit that purpose. They object to the idea of drawing any distinction between the very real differences between teachers. Democratic Senators have said that it is just terrible to give more money to teachers who are more effective because then less effective teachers are resentful and stop cooperating with the better teachers. We are astounded by our colleagues' attitude. Any business that insisted on compensating everyone equally, perhaps by giving the same commission to its best salesman as it gave to its worst--would soon be out of business. Any professional sports team that decided everyone had to get the same pay (or get higher pay only based on how long players had been on the team) in order to protect the feelings of its least skilled players would quickly plunge into mediocrity. The American way is one of honest, fair competition and reward. Why should the public schools, which are entrusted with the education of our children, be the exception?

In many States, teachers unions control the agencies that control the certification processes that decide who may teach, and they control the tenure processes that cement in the permanent job rights of their union members. If schools start hiring and firing people based on merit, and start giving pay based on performance, unions may lose their choke-hold on all the teaching jobs in a school. Teachers unions, like our liberal colleagues, say they oppose merit pay because they think it is divisive and ineffective, but it may well be that they are just fearful that their card-carrying members will lose in fair competition to non-union teachers.

For our part, we do not object to either school or individual merit pay systems. Both can be excellent ideas, depending on how they are implemented. State and local governments should be allowed to implement, or not implement, either type of merit pay system as they see fit. Our concern should be whether they manage to improve educational performance with the Federal funds we provide, not with how they attempt to achieve it. The Kennedy amendment has been offered in an effort to limit State and local options. It should be rejected.